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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

2006 APR 21 11 A 11: 12

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

8 IN THE MATTER OF THE FORMAL  
9 COMPLAINT AND REQUEST FOR  
10 DECLARATORY JUDGMENT OF PAC-WEST  
11 TELECOMM, INC. AGAINST QWEST  
12 CORPORATION.

DOCKET NO. T-03693A-05-0875  
DOCKET NO. T-01051B-05-0875

PROCEDURAL ORDER

13 **BY THE COMMISSION:**

14 On December 6, 2005, Pac-West Telecomm, Inc. ("Pac-West") filed with the Arizona  
15 Corporation Commission ("Commission") a complaint against Qwest Corporation ("Qwest"). In that  
16 complaint, Pac-West requested an expedited procedural order or procedural conference.

17 On December 14, 2005, a procedural conference was held pursuant to Procedural Order  
18 issued on December 12, 2005.

19 At the procedural conference, Qwest's counsel stipulated on behalf of Qwest that it will not  
20 disconnect Pac-West's service while the matter is before the Commission. The parties further agreed  
21 that another procedural conference should be held after the parties submit a joint statement of  
22 stipulated facts.

23 On December 14, 2005, by Procedural Order, the parties were ordered to file a Joint  
24 Stipulation of Facts by January 25, 2006. A procedural conference was also scheduled for January 30,  
25 2006.

26 On January 25, 2006, the parties filed a Joint Motion to Extend Time to File Joint Stipulation  
27 of Facts until further notice.

28 On January 26, 2006, by Procedural Order, the parties were granted an extension of time to  
file the Joint Stipulation of Facts.

On January 30, 2006, the procedural conference was held as scheduled. The parties agreed to  
continue developing a Joint Stipulation of Facts and agreed to also develop a Joint Statement of  
Issues.

1 On March 1, 2006, a procedural conference was held pursuant to Procedural Order issued on  
2 January 30, 2006. Pac-West stated that it believes the matter is ready to move forward with a  
3 briefing schedule and that the matter should be decided without a hearing, solely on the basis of legal  
4 arguments. Qwest stated that it wished to file an amended Answer in the matter. Qwest also  
5 requested additional time for discovery relating to which circuits carry Virtual NXX traffic and which  
6 carry Internet Service Provider bound traffic. Qwest stated that after discovery is complete, it may  
7 request an evidentiary hearing rather than proceeding solely on the basis of legal arguments made by  
8 the parties.

9 On March 1, 2006, a procedural order was issued with discovery deadlines and setting a  
10 procedural conference for April 20, 2006, at 10:00 a.m.

11 On March 20, 2006, Qwest filed its Amended Answer to Complaint.

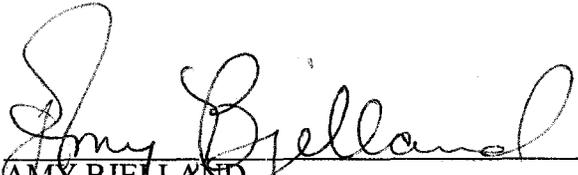
12 On April 11, 2006, Pac-West filed its Motion for Leave to File First Amended Complaint for  
13 Declaratory Judgment and Qwest filed its Motion to Compel Response to Data Requests.

14 On April 20, 2006, the parties filed a Joint Stipulation to postpone the procedural conference  
15 scheduled for April 20, 2006 until April 27, 2006.

16 IT IS THEREFORE ORDERED that the **procedural conference** originally scheduled on  
17 **April 20, 2006 at 10:00 a.m.** is hereby **rescheduled** for **April 27, 2006 at 10:00 a.m.** for the purpose  
18 of discussing procedural issues in this matter.

19 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
20 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

21 Dated this 21 day of April, 2006

22  
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24   
25 AMY BJELLAND  
ADMINISTRATIVE LAW JUDGE

26 ...  
27 ...  
28 ...

1 Copies of the foregoing mailed/delivered  
this 21 day of April, 2006 to:

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25   
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28